

Special Immigration Alert: Fiscal Year 2016 H-1B Cap Is Reached

April 8, 2015

On April 7, 2015, the U.S. Citizenship and Immigration Services (“USCIS”) announced that it had reached the H-1B cap for fiscal year 2016. The USCIS also announced that it had received more than the limit of 20,000 H-1B petitions filed under the U.S. advanced degree exemption. The agency will utilize a computer-generated lottery system to randomly select the 65,000 petitions for the general category and 20,000 petitions for the advanced degree exemption.

The USCIS will now complete initial intake for all petitions received during the filing period, before performing the lottery selection. Due to the high number of petitions received, the USCIS is unable to announce the exact date on which it will conduct the random selection lottery. The USCIS will continue to accept and process petitions that are otherwise exempt from the cap.

As in past years, the H-1B lottery will be done in two separate phases. First, the USCIS will randomly select petitions for the advanced degree exemption. Then, all the unselected advanced degree petitions will become part of the random selection process for the 65,000 general category. The USCIS will return application materials and filing fees for all unselected petitions that are not duplicate filings.

The USCIS previously announced that it would issue receipts and begin processing H-1B cap cases filed via premium processing on or before May 11, 2015. There has been no timeline announced for H-1B cap cases that do not request premium processing.

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